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12  
13 **IN THE UNITED STATES DISTRICT COURT**  
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

15 PERSONALWEB TECHNOLOGIES, LLC AND  
16 LEVEL 3 COMMUNICATIONS, LLC,

17 Plaintiffs,

18 v.

19 INTERNATIONAL BUSINESS MACHINES  
20 CORPORATION,  
Defendant.

Case No. 5:16-cv-1266-EJD

\*\*\* AMENDED \*\*\*

**~~[PROPOSED]~~ ORDER ON STIPULATED  
MOTION TO WITHDRAW CERTAIN  
MOTIONS, AMEND JOINT WITNESS LIST,  
AND ADJUST OPPOSITION DEADLINE**

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28 **[PROPOSED] ORDER ON STIPULATED  
MOTION TO WITHDRAW CERTAIN  
MOTIONS, AMEND JOINT WITNESS LIST,  
AND ADJUST OPPOSITION DEADLINE**

1 Having considered the parties' Stipulated Motion to Withdraw Certain Motions, Amend Joint  
2 Witness List, and Adjust Opposition Deadline filed July 18, 2017 and finding good cause;

3 IT IS HEREBY ORDERED that:

4 1. Regarding PersonalWeb's Motion to Strike regarding Mr. Symon (Dkt. 274) and IBM's  
5 Motion to Strike regarding PersonalWeb's witness list and undisclosed infringement theories (Dkt. 313),  
6 the parties have reached the following stipulation:

- 7 • PersonalWeb will withdraw its Motion entirely;
- 8 • IBM will withdraw the portion of its Motion that relates to PersonalWeb's inclusion of Mr.  
9 Reedy, Mr. Eberly and Ms. Wong;
- 10 • PersonalWeb will serve an amended Joint Witness List (concurrently attached) that removes  
11 each of Mr. Reedy, Mr. Eberly and Ms. Wong;
- 12 • PersonalWeb will not amend its Witness List further to add additional individuals, with the  
13 exception of Mr. Symon (by deposition);
- 14 • IBM will make Mr. Symon available for deposition on July 21 in Los Angeles; and
- 15 • IBM will not object to PersonalWeb serving deposition designations regarding Mr. Symon  
16 after his deposition and adding Mr. Symon to its witness list.

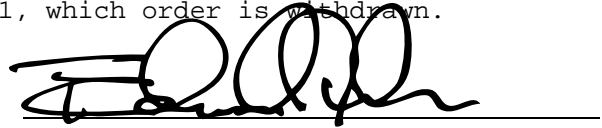
17 2. Regarding PersonalWeb's Motion in Limine 4 (Dkt. 272), the parties have reached the  
18 following stipulation:

- 19 • PersonalWeb will withdraw its Motion entirely;
- 20 • IBM will not pursue its licensing defense relating to the IBM-HP cross-license at trial; and
- 21 • PersonalWeb stipulates and agrees that IBM's arguments made in its Motion to Dismiss  
22 (Dkt. 212) are properly preserved for appeal, without putting the issues before the jury during  
23 the trial of this case, including IBM's argument (and bases therefor) that dismissal should be  
24 with prejudice.

3. Regarding IBM's opposition to PersonalWeb's Motion to Strike Mr. Drew from IBM's witness list (Dkt. 317), the parties agree that IBM's opposition is due on July 20, rather than July 19 as originally entered on ECF.

This amended order replaces Dkt. No. 331, which order is withdrawn.

DATED: July 19, 2017



The Honorable Edward J. Davila